



# **Austin City Council MINUTES For**

**NOVEMBER 14, 1991 - 1:00 P.M.**

## **MEETING CALLED TO ORDER - 1:00 P.M.**

**Mayor Pro Tem Urdy called to order the meeting of the Council, noting the absence of Mayor Todd.**

## **APPROVAL OF MINUTES**

- 1. Approval of Minutes for Special Meetings of October 31, November 4 and 5, 1991**

**On Councilmember Larson's motion, Councilmember Reynolds' second, 6-0 Vote, Mayor Todd absent.**

## **1:00 P.M. - CITIZEN COMMUNICATIONS**

- 2. Mr. Joseph C. Mota discussed City tax abatements.**
- 3. Mr. David Elliott, to discuss current City issues. Was not present.**
- 4. Mr. Leonard Lyons, to discuss convention center hype to obscure \$2.5 million shortfall. Was not present.**
- 5. Mr. Henry Ratliff discussed City opportunities.**

## **1:30 P.M. - BOND SALE (Items 6-9)**

- 6. Approved an Ordinance authorizing the issuance of \$25,000,000 City of Austin, Texas, Public Improvement Bonds, Series 1991A.**

**At 6.3798%.**

- 7. Approved a Resolution approving and authorizing the execution of a paying agent/registrars agreement, with Ameritrust Texas, N.A., Austin and a letter of representations for issuance of book-entry**

obligations, with respect to the \$25,000,000 City of Austin, Texas, Public Improvement Bonds, Series 1991A.

#6-7 On Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Todd absent.

8. Approved an Ordinance authorizing the issuance of \$2,900,000 City of Austin, Texas, Public Property Finance Contractual Obligations, Series, 1991B.

At 5.3879X

9. Approved a Resolution approving and authorizing the execution of a paying agent/registrar agreement, with Ameritrust Texas, N.A. Austin and a letter of representations for issuance of book-entry obligations, with respect to the \$2,900,000 City of Austin, Texas, Public Property Finance Contractual Obligations Series 1991B.

#8-9 on Councilmember Garcia's motion, Councilmember Nofziger's second, 5-1 Vote, Councilmember Epstein voted No, Mayor Todd absent.

#### ITEMS CONTINUED FROM PREVIOUS MEETINGS

10. Approved second reading of an Ordinance adopting guidelines and criteria for Tax Abatement for 1991-93. (Mayor Pro Tem Charles Urdy and Mayor Bruce Todd). [Public Hearing Closed - No Citizen Sign-Up.]

Mayor Pro Tem Urdy introduced discussion concerning this issue.

Deputy City Attorney Diana Granger stated: "Dr. Urdy, there were a couple of changes that were approved by the Council last week which did not make it into the back-up, but which were voted on by the Council. And they are corrections to the guidelines. If you look on page two of the guidelines, Section 1L(2), which defines qualified employees, it should read as follows: 'A qualified employee means generally a full-time employee, 30 hours or more per week, who has been unemployed for the preceding three months and is a member of a family whose family income prior to unemployment, (this is what was added), was less than or equal to 150 percent of median family income for the Austin MSA. .... And the next change is on page three of the guidelines, section 2A, where we set out authorized facilities. That should read as follows: 'Facilities for targeted enterprises are eligible for tax abatement in accordance with these guidelines.' And Councilmember Garcia suggested that we also add: 'As set forth in Section 2G(1) herein'."

#### Main Motion

Councilmember Garcia moved approval of the ordinance, with the above changes. The motion was seconded by Councilmember Reynolds.

### Amendment to the Motion

Councilmember Garcia introduced an amendment to the motion: "The first amendment that I would like to introduce is the one that we considered at the last meeting, that puts the minimum percentage of qualified employees equal for both Austin companies and non-Austin companies and in essence has only one table that starts out with 50 percent for the 100 percent Austin companies that are served by both City utilities; 40 percent for the 90 percent; and on down. On the 80 percent abatement, 25, 15, 10 and 5. And I move approval of that amendment". Councilmember Reynolds seconded the motion.

Later, Councilmember Garcia clarified the motion by stating: "The amendment that we're considering is the one that appears in your back-up material and it reads as follows: Amendment to the ordinance approving tax abatement guidelines and criteria, approved 4 to 2 on November 7 meeting. Amend tax abatement schedule in Section 2F of the guidelines to read as follows: ...(And then it has the tax abatement schedule, giving all the percentages of the abatement and all the percentages required for qualified employees)."

### Friendly Amendment- Accepted

Councilmember Epstein offered a Friendly Amendment "that under 'qualified employees', section 5, on page two of 15, where we say that 'a qualified employee is a handicapped individual', should say 'is a person with a disability'." Councilmember Garcia accepted the Friendly Amendment as maker of the motion and Councilmember Reynolds, who seconded the motion, accepted it, also.

After more discussion, during which Councilmember Garcia said he would like his amendment to the motion voted on separately, Councilmember Epstein asked, "If I can clarify with the maker of the motion, if the correction of the person with disability was in that part of the (main) motion, or the motion that is now on the table?" Councilmember Garcia answered: "That particular amendment is a part of the main motion and I've accepted it. So we have the main motion and I've accepted the amendment that you proposed with regard to the change in the wording. So we'll vote on that at the time that we vote on second or third reading, or second reading only. But I have accepted that amendment. That's a friendly amendment." Councilmember Reynolds said, "The second accepted it in any position".

### Roll Call on Amendment to the Motion

6-0 Vote, Mayor Todd absent.

Councilmember Garcia stated, "The next amendment, Mayor Pro Tem, let me comment. I proposed two amendments. The amendment dealing with health care, I am pulling that one permanently. I don't think I'll

introduce it again whether this passes on second or third reading today, or both or second or both second and third. But the one that I want to introduce is in your back-up materials".

#### Amendment to Main Motion

Councilmember Garcia made a motion to amend the Main Motion by stating: "In no case shall tax abatements be considered for a neighborhood retail project with improvements valued at less than \$100,000; (a change from \$250,000 to \$100,000) and fewer than five jobs created within 24 months (changed from 18)." Mayor Pro Tem Urdy seconded the motion.

#### Roll Call on Amendment to Main Motion

6-0 Vote, Mayor Todd absent

#### Friendly Amendment

Councilmember Epstein offered a Friendly Amendment to "approve this on second reading only so that I can spend some time with staff and the other interested parties to discuss the residency requirement." Councilmember Garcia accepted the Friendly Amendment, as did Councilmember Reynolds.

Mayor Pro Tem Urdy stated that Council would vote Second Reading Only of an Ordinance adopting guidelines and criteria for Tax Abatement for 1991-93. Councilmember Reynolds asked, "We're voting on second reading only with the adjustments that the attorney said that were put in?" Mayor Pro Tem Urdy said, "Right, plus the two amendments by Councilmember Garcia and the Friendly Amendments by Councilmember Epstein."

#### Roll Call on Main Motion with Amendments and Friendly Amendments

6-0 Vote, Mayor Todd absent, Second Reading Only

#### BOARD AND COMMISSION REPORT

11. URBAN TRANSPORTATION COMMISSION - Appeals to the City Council for denial of construction permits for right-of-way use.

Report was given by Mr. Jim O'Donnell

#### ORDINANCES

12. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8100 F.M. 2222, Case No. C814-89-0006, Canyon Ridge Phase B, from "DR" and "SF-2" to "PUD", BEARD FAMILY PARTNERSHIP, by David Hutton. First reading on June 6, 1991; Vote 5-1, Councilmember Carl-Mitchell

absent and Nofziger voting "No". Conditions met as follows:  
Conditional Overlay incorporates conditions imposed by Council.

On Councilmember Larson's motion, Councilmember Reynolds' second,  
6-0 Vote, Mayor Todd absent.

13. Amended the Austin City Code by modifying the Basic Traffic Ordinance, Chapter 11-2; Article IV, Speed Limits, by increasing the speed limit on East 15th Street from 30 mph to 35 mph from North I.H. 35 (East Service Road) to Congress Avenue. (Funding in the amount of \$400 included in the 1991-92 Operating budget of the Department of Public Works and Transportation.)
14. Amended the Austin City Code by modifying the Basic Traffic Ordinance, Chapter 11-2; Article IV, Speed Limits, for West 15th Street by increasing the speed limit from 30 mph to 35 mph from Congress Avenue to Enfield Road. (Funding in the amount of \$400 included in the 1991-92 Operating Budget of the Department of Public Works and Transportation.)
15. Amended the Austin City Code by modifying the Basic Traffic Ordinance, Chapter 11-2; Article IV, Speed Limits, for North Pleasant Valley Road from East 7th Street to Chestnut Avenue as follows: increase the speed from 30 mph to 35 mph from East 7th Street to Webberville Road; and increase the speed from 35 mph to 40 mph from Webberville Road to Chestnut Avenue. (Funding in the amount of \$600 included in the 1991-92 Operating Budget of the Department of Public Works and Transportation Department.)
16. Amended the Austin City Code by modifying the Basic Traffic Ordinance, Chapter 11-2, Article IV, Speed Limits, by correcting the street name for East 19th Street, from I.H. 35 to Airport Boulevard., to East Martin Luther King Jr. Boulevard. (No fiscal impact).

#13-16 on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

17. Authorize acceptance of \$350,000 in grant funds from the U.S. Department of Health and Human Services, Administration for Children and Families, Demonstration Partnership High-Risk Youth Initiative Program; amend the Special Revenue Funds budget of the Health and Human Services Department (HHSD) by increasing expenses by the same amount; and and authorize 1.75 grant funded full-time employees. (Related to Item 20)

On Councilmember Garcia's motion, Councilmember Reynolds' second,  
6-0 Vote, Mayor Todd absent.

18. Authorized acceptance of the Ryan White Title III, Early Intervention Services grant from the United States Department of Health and Human Services, in the amount of \$368,926; amend the

Special Revenue Fund Budget by appropriating those funds to grant expenses and expense refunds; and authorize four (4.5) additional grant-funded full-time employees. (Related to Item 19)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Mayor Todd absent.

#### RESOLUTIONS

19. Approved execution of four (4) contracts under the Ryan White Title III, Early Intervention Services grant from the United States Department of Health and Human Services to the following: Community Action - \$43,658; Austin-Travis County Mental Health and Mental Retardation's CARE Unit - \$29,384; Planned Parenthood of Austin - \$22,152; AIDS Services of Austin (ASA) - \$67,129. (Related to Item 18)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Mayor Todd absent.

20. Approved execution of contracts with the following agencies under the Demonstration Partnership High-Risk Youth Initiative Grant from the U.S. Department of Health and Human Services, Administration for Children and Families: American Institute for Learning: \$39,000; Austin/Travis County Youth Services: \$39,000; Communities in Schools: \$39,000; Middle Earth Unlimited: \$39,000; Travis County Juvenile Court: \$39,000; and Resource Network: \$35,000. (Funding provided by the U.S. Department of Health and Human Services.) [Related to Item 17]

On Councilmember Larson's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

21. Approved a sixty (60) day extension of the agreement between the City of Austin, Travis County, and AIDS Services of Austin (ASA), in the amount of \$66,232, pending the result of Requests for Proposals (RFP) for HIV/AIDS Services and Community Education.
22. Approved execution of a construction contract award to CASH CONSTRUCTION COMPANY, INC., Pflugerville, Texas, for the Convict Hill Wastewater Improvements, in the amount of \$559,538.05. (Funding included in C.I.P. 439-237-0794). Low bid of five (5). 2.14% MBE, 3.66% WBE Subcontractor participation.
23. Approved execution of a contract award to J.C. EVANS CONSTRUCTION COMPANY, INC., Austin, Texas, for Group 2, 6 and 7 water and wastewater rehabilitation projects, in the amount of \$651,949. (Funding for Group 2 [water] in the amount of \$92,922.60 included in C.I.P. 392-227-6719; Group 6 [water] in the amount of \$107,943 included in C.I.P. 392-227-6716; Group 7 [water] in the amount of \$219,563.20 included in C.I.P. 392-227-6716; Group 7 (wastewater) in the amount of \$231,521 included in C.I.P. 430-237-0455.) Low bid of three (3). 9.17% MBE, 3.16% WBE Subcontractor participation.

24. Approved execution of one (1) twelve (12) month supply agreement for the purchase of traffic controllers with TRAFFIC ENGINEERING AND CONTROLS, Huntsville, Texas, in an amount not to exceed \$191,624, with up to two (2) additional twelve (12) month extension options in an amount not to exceed \$191,624 per extension, for a total amount not to exceed \$574,872. (Funding included in C.I.P. 829-607-2205. This project will be charged appropriately as traffic controllers are withdrawn.) Low bid of two (2). The prime did not identify any subcontracting opportunities.)

#21-24 on Councilmember Larson's motion, Councilmember Epstein's second, 6-0 Vote, Mayor Todd absent.

25. Approve execution of a construction award to POOL AND ROGERS PAVING COMPANY, Buda, Texas, for East Austin Miscellaneous Street and Drainage improvements, Phase I, in the amount of \$1,114,997.10. (Funding in the amount of \$616,486.70 included in C.I.P. 825-607-2043; \$28,653.75 included in C.I.P. 837-607-2381; \$62,397.75 included in C.I.P. 388-227-0989; \$107,458.90 included in C.I.P. 439-237-0718; \$300,000 included in C.I.P. 837-607-2390.) Low bid of three (3). 2.69% MBE, 4.31% WBE Subcontractor participation.

Postponed to November 21, 1991.

26. Approved execution of a construction contract award with HAEGELIN CONSTRUCTION CO. INC., Austin, Texas, for the SWB/Camp Ben McCullough Transmission Main, in the amount of \$379,572.55. (Funding included in C.I.P. 375-227-0817.) Low bid of eight (8). 2.61% MBE, 3.43% WBE Subcontractor participation.
27. Approved execution of two (2) eleven (11) month supply agreements for the purchase of miscellaneous pipe fittings to THE ROHAN COMPANY, Austin, Texas, in an amount not to exceed \$111,948.75 and O&R UTILITIES, Austin, Texas, in an amount not to exceed \$48,313.82, for a total amount not to exceed \$160,262.57, with the option to extend each agreement for one (1) additional twelve (12) month period, in the amounts of \$111,948.75 and \$48,313.82 per extension respectively, for a total amount not to exceed \$320,525.14. (Funding for these stock items is included in the 1992-92 Operating Budgets of the user departments. Each department will be charged appropriately as it withdraws items from the central stores.) Low bid of three (3). The prime did not identify any subcontracting opportunities. Reference No. 910933-1B0.
28. Approved execution of an eleven (11) month supply agreement with THE ROHAN COMPANY, Austin, Texas, for the purchase of cast iron fittings, in an amount not to exceed \$168,860.75, with the option to extend for one (1) additional twelve (12) month period, in an amount not to exceed \$168,860.75, for a total amount not to exceed \$337,721.50. (Funding included in the 1991-92 Operating Budget for

Water and Wastewater Department; funding for the extension option will be requested in the 1992-93 budget.) Low bid of four (4). The prime did not identify any subcontracting opportunities. Reference No. 910938-1B0.

29. Approved Change Order No. 11 to SPAW-GLASS CONSTRUCTION SERVICES, INC., San Antonio, Texas, for field related modifications for the Emergency Services Department Expansion and Renovation Improvements at Brackenridge Hospital, in an amount not to exceed \$40,929, for a total contract amount of \$4,624,231. (Funding included in C.I.P. 861-847-0225.)

#26-29 on Councilmember Larson's motion, Councilmember Epstein's second, 6-0 Vote, Mayor Todd absent.

30. Approved Supplemental Amendment #1 to the Professional Services Agreement with ALAN Y. TANIGUCHI ARCHITECTS AND ASSOCIATES (MBE), Austin, Texas, for design and construction phase architectural services on the Vehicle Maintenance Facility at the St. Elmo Service Center, in the amount of \$46,024.50, for a total contract amount of \$136,024.50. (Funding included in the 1991-92 Capital Budget of the Public Works and Transportation Department.)

On Councilmember Nofziger's motion, Councilmember Larson's second, 6-0 Vote, Mayor Todd absent.

31. Set a public hearing to take public comment concerning the City of Austin's Annual Affirmative Action Report for FY 1990-91 and planned initiatives for FY 1991-92. Date and time: November 21, 1991 at 5:00 p.m.

On Councilmember Larson's motion, Councilmember Epstein's second, 6-0 Vote, Mayor Todd absent.

#### PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

32. 4:30 P.M. - Conversion of the City's Drainage Program to a City-owned Drainage Utility.

Closed public hearing, on Councilmember Epstein's motion, Councilmember Reynolds' second, 6-0 Vote, Mayor Todd absent.

33. Approved an Ordinance to convert the City's existing Drainage Fund to a City-owned Drainage Utility as authorized by the 72nd State Legislature which amended Subchapter C, Chapter 402 of the Local Government Code (Municipal Drainage Utility Systems Act.)

First and Second Readings



34. Approved an Ordinance establishing Drainage Utility Fees as authorized by the Drainage Utility Ordinance.

**First and Second Readings**

- #33-34 on Councilmember Epstein's motion, Councilmember Reynolds' second, 6-0 Vote, Mayor Todd absent.

**ITEMS FROM COUNCIL**

35. Approved a Resolution supporting the Walk of Stars Program. (Sixth Street Subcommittee).

On Councilmember Nofziger's motion, Councilmember Garcia's second, amended, approved, bring back guidelines on December 5, 1991. 6-0 Vote, Mayor Todd absent.

36. Approved a Resolution changing the name of Youth at Risk programs to Opportunities for Youth; and committing the City Council to creating opportunities that have a significant impact on juvenile crime, teen-age pregnancies, drop out rate, and creating employment and training opportunities for youth. (Youth at Risk Subcommittee)

On Councilmember Garcia's motion, Councilmember Larson's second, 6-0 Vote, Mayor Todd absent.

37. Approved an Ordinance amending Section 13-1-968 of the Code of the City of Austin, 1981, as amended, to authorize appeals to the City Council for denial of construction permits for right-of-way use. (Councilmembers Louise Epstein and Ronney Reynolds).

On Councilmember Epstein's motion, Councilmember Reynolds' second, 6-0 Vote, Mayor Todd absent.

**EXECUTIVE SESSION (No Public Discussion on These Items)**

Mayor Todd announced that Council would go into Executive Session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision, or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

38. Pending/Contemplated Litigation - Section 2, Paragraph e

- (a) Claims of 183/620 Group for reimbursements for water and wastewater improvements in the Lake Creek area.
- (b) Discussion of Bernice Edwards v. City of Austin; Cause No. 457,077

## RECESS

Council recessed for executive session from 3:45 to 4:30 P.M.

## ACTION ON THE FOLLOWING

39. Amended the 1991-92 Water and Wastewater Utility Operating Budget by reappropriating \$1,077,841 to fund a contract reimbursement payment to the 183/620 Group for construction of water and wastewater improvements.

On Councilmember Garcia's motion, Councilmember Epstein's second, 6-0 Vote, Mayor Todd absent.

40. Approved the negotiation and execution of a settlement agreement with the 183/620 Group concerning reimbursement for certain water and wastewater improvements. As per schedule.

On Councilmember Garcia's motion, Councilmember Epstein's second, 6-0, Mayor Todd absent.

41. Approved settlement of Bernice Edwards v. City of Austin; Cause No. 457,077. In the amount of \$50,000.00.

On Councilmember Nofziger's motion, Councilmember Larson's second, 6-0 Vote, Mayor Todd absent.

## SPEAKERS AT END OF MEETING

Robert Singleton, Brent White, Stephen Adams, C. Nicholas Weeks, Al St. Louis, Eric Anderson

ADJOURN - The meeting was adjourned at 6:14 P.M.